

194-74
HR 11512

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The Senate-House conferees agreed that subsection 102(g)(2), which provided that CIA should not participate, directly or indirectly, in any illegal activity within the United States, was unnecessary and inappropriate. No agency need be reminded by statute that it must obey the law. The charter of no other agency expressly provides that that agency must act within the law.

I understand that this amendment was proposed in light of CIA involvement in the "Watergate" incident and police training. Four congressional committees, the Armed Services and Appropriations Committees of each house, have looked into CIA involvement in the Watergate incident, with the result that there has been no allegation of Agency violation of law. The Special Prosecutor's office also investigated CIA's role in Watergate, and no charges of Agency illegal activity have come from that office.

With respect to police training, the CIA did not assume any police or internal security functions, which would be a violation of the National Security Act. The Agency merely demonstrated to local police forces the latest technological developments in the detection of metal traces, gun powder and information retrieval. Congress has already clarified some of these formerly grey areas by enacting P.L. 93-83. Section 508 of this Act expressly prohibits the Agency from assisting the Law Enforcement Assistance

Administration in U.S. law enforcement matters. Moreover, Mr. Colby, during his confirmation hearings before the Committee on Armed Services, declared that any further assistance to local police forces "will be taken only in the most exceptional circumstances, and with the Director's personal approval."

The enactment of this amendment would suggest that the Agency has intentionally conducted illegal activities in the past. There is no foundation for such an assertion.

The CIA conscientiously attempts to carry out its mission within the confines of the law. If the CIA has strayed from the exact dictates of U.S. law, it has not been through a conscious effort to skirt or stretch the law.

The Watergate incident has alerted CIA to be more cautious in giving assistance to those who seek to utilize its special capabilities. This amendment will not provide guidance to the Agency in determining the propriety of fulfilling a request for assistance. It will only remind the Agency of a fact every agency officer knows: the CIA must act pursuant to law. Furthermore, the Agency can only act through its officers and employees all of whom have sworn in an oath to uphold the law.

Additionally, this provision unavoidably suggests that until now, the CIA has been free to conduct illegal activity. We cannot have a provision in

the basic charter of any agency which suggests that such agency has ever been above the law, no matter how sensitive its mission.

The House-Senate conferees agreed that this amendment would serve no purpose and would create unfortunate and unwarranted implications. Consequently, the conferees deleted it from the bill.

Insertion for Conference Report

New subsection 102(g)(2) of the bill clarifies activities in which the Central Intelligence Agency may not engage within the United States. Nothing in the subsection is intended to impinge on the directive to the CIA to collect foreign intelligence.

CENTRAL INTELLIGENCE AGENCY
WASHINGTON, D.C. 20505

14 JUN 1974

Honorable John C. Stennis, Chairman
Committee on Armed Services
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

On June 3rd the Senate approved certain amendments to the CIA section of the National Security Act of 1947 in voting on H.R. 14592. With certain understandings outlined below, I am pleased to say that these amendments are acceptable to me.

As you know, I fully accept the amendment inserting the word "foreign" immediately before the word "intelligence" in the Act, to clearly express the mission of CIA as relating only to foreign intelligence. I also am pleased to accept the amended provision of Clause (5) of subsection (d), adding a requirement to report to the Congress any "...functions and duties related to foreign intelligence affecting the national security as may be specifically directed from time to time by the [National Security] Council...".

With respect to the modified version finally adopted of a new section restricting CIA's activities in the United States, I believe that this language is fully appropriate on the understanding that certain foreign intelligence operations and certain activities necessary to the support of foreign intelligence operations can be legitimately conducted under Clause (5) of subsection (d) noted above, if specifically directed by the National Security Council and reported to the Congress. These would

include such current activities, described in my confirmation hearings, as (a) interviewing American citizens who are willing voluntarily and without pay to share foreign intelligence information in their possession with their Government; (b) collecting foreign intelligence from foreigners; (c) establishing support structures necessary to foreign intelligence operations abroad; and (d) providing technical assistance to the Federal Bureau of Investigation for its counterintelligence operations against foreigners. If this were not the intention of the Congress, I believe the United States would be unable to acquire significant foreign intelligence important to the national security. Perhaps this understanding could be included as an element of the legislative history of this Act.

The new subsection 102(g)(2) seems redundant and hardly appropriate in providing that a Federal agency should not participate in illegal activities. Further, I believe it possible that some could argue that such language affects the now clearly authorized acts of the Agency such as those outlined in Sections 5, 6, 7 and 8 of the CIA Act of 1949, exempting CIA from various provisions of law where necessary to the security of foreign intelligence operations.

Please allow me to express my appreciation of your interest in a clear statutory delineation of this Agency's functions and authority and my assurance that this Agency will respect in every way in the future the scope of the Agency's unique authorities as applying only to foreign intelligence and related activities.

Sincerely,

Signed

W. E. Colby
Director

Suggested Language for Incorporation in
Conference Report on H. R. 14592

New subsection 102(g)(1) of the bill clarifies activities in which the CIA may not engage within the United States. In enacting this new subsection, it is not intended to impinge upon activities authorized by law such as those currently undertaken within the United States in support of the CIA's foreign intelligence mission, including the receipt of foreign intelligence information.

93^d CONGRESS
2^d SESSION

H. R. 14592

IN THE SENATE OF THE UNITED STATES

JUNE 11, 1974

Ordered to be printed with the amendment of the Senate

[Strike out all after the enacting clause and insert the part printed in italic]

AN ACT

To authorize appropriations during the fiscal year 1975 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test and evaluation for the Armed Forces, and to prescribe the authorized personnel strength for each active duty component and of the Selected Reserve of each Reserve component of the Armed Forces and of civilian personnel of the Department of Defense, and to authorize the military training student loads and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 ~~TITLE I—PROCUREMENT~~

4 ~~SEC. 101. Funds are hereby authorized to be appropriated~~
5 ~~during the fiscal year 1975 for the use of the Armed Forces~~

1 “(2) After the date of enactment of this paragraph,
2 any naval vessel not subject to the provisions of paragraph
3 (1) may be sold, leased, granted, loaned, bartered, trans-
4 ferred, or otherwise disposed of in accordance with appli-
5 cable provisions of law only after the Secretary of the Navy,
6 or his designee, has notified the Committees on Armed Serv-
7 ices of the Senate and the House of Representatives in writ-
8 ing of the proposed disposition and 30 days of continuous
9 session of Congress have expired following the date on which
10 notice was transmitted to such committees. For purposes of
11 this paragraph, the continuity of a session of Congress is
12 broken only by an adjournment of the Congress sine die,
13 and the days on which either House is not in session because
14 of an adjournment of more than 3 days to a day certain
15 are excluded in the computation of such 30-day period.”

16 SEC. 703. Section 102 of the National Security Act of
17 1947, as amended (50 U.S.C. 403), is amended as follows:

18 (1) Subsection (d) is amended by inserting “foreign”
19 immediately before “intelligence” the first time the latter
20 term appears in such subsection.

21 (2) Clauses (1) and (2) of subsection (d) are
22 amended by inserting “foreign” immediately before “intel-
23 ligence” each time the latter term appears in such clauses.

24 (3) Clause (3) of subsection (d) is amended by in-

25 serting “foreign” immediately before “intelligence” the first
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26 time the latter term appears in such clause.

1 (4) Clause (4) of subsection (d) is amended by insert-
2 ing "relating to foreign intelligence activities" immediately
3 after "of common concern".

4 (5) Clause (5) of subsection (d) is amended to read
5 as follows:

6 "(5) to perform such other functions and duties
7 related to foreign intelligence affecting the national se-
8 curity as may be specifically directed from time to time
9 by the Council and reported to the Congress in such
10 manner and in accordance with such procedures as the
11 Congress may establish to insure effective legislative
12 oversight with due recognition of essential security
13 requirements."

14 (6) Add at the end of such section a new subsection as
15 follows:

16 "(g) Nothing in this or any other Act shall be construed
17 as authorizing the Central Intelligence Agency to—

18 "(1) carry out, directly or indirectly, within the
19 United States, either on its own or in cooperation or
20 conjunction with any other department, agency, organi-
21 zation, or individual any police or police-type operation
22 or activity, any law enforcement operation or activity, or
23 any internal security operation or activity: Provided,
24 however, That nothing in this Act shall be construed to
25 prohibit the Central Intelligence Agency from (A) pro-

1 *tecting its installations, (B) conducting personnel in-*
 2 *vestigations of Agency employees and applicants or*
 3 *employees of contractors and others requiring access to*
 4 *sensitive Agency information in carrying out Agency*
 5 *responsibilities, or (C) providing information result-*
 6 *ing from foreign intelligence activities to other appro-*
 7 *priate departments and agencies; or*

8 *"(2) participate, directly or indirectly, in any il-*
 9 *legal activity within the United States."*

10 *SEC. 704. Notwithstanding any other provision of law,*
 11 *no enlisted member of the Armed Forces of the United States*
 12 *may be assigned to duty or otherwise detailed to duty as*
 13 *an enlisted aide, public quarters steward, airman aide, cook*
 14 *specialist, or food service technician on the personal staff*
 15 *of any officer of the Army, Navy, Marine Corps, Air Force,*
 16 *or Coast Guard (when operating as a service of the Navy)*
 17 *except for two hundred and eighteen such enlisted men as-*
 18 *signed on a temporary basis by the Secretary of Defense to*
 19 *meet official responsibilities.*

20 *SEC. 705. Notwithstanding any other provision of law,*
 21 *no funds appropriated pursuant to this Act may be used*
 22 *for the purpose of carrying out research, testing, and/or*
 23 *evaluation of poisonous gases, radioactive materials, poison-*
 24 *ous chemicals, biological, or chemical warfare agents upon*